

**TOWN OF BOLTON
BOLTON TOWN HALL
663 MAIN STREET
BOLTON, MASSACHUSETTS, 01740**

**MINUTES OF THE PLANNING BOARD MEETING
VIA TELECONFERENCE
FEBRUARY 22, 2023, 7:00 P.M.**

BOARD MEMBERS:

Michael Gorr	Vice-Chair
James Barr	Member
Bob Roemer	Member
Erik Neyland	Member

STAFF:

Todd Miller	Town Planner
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1. CALL TO ORDER

There being a quorum present the meeting was called to order.

2. PUBLIC HEARINGS: CENTURY MILL ESTATES

Michael Gorr noted that the road will not be accepted during 2023. There are significant concerns regarding the state of the roads, lack of inspection, and other components with a significant amount of work remaining to be carried out. The Board is committed to bringing the project to fruition. He empathized with the resident frustration, as this has been a challenging project.

Vince LaRosa asked what could be done to ensure this project is completed.

Michael Gorr noted that it is important for the developer to finish the work for time and cost reasons.

Jonathan Balewicz voiced concern regarding the Town's delays for this road.

James Barr noted that it is the developer's responsibility to provide as-builts, which is the root of most delays. A timeline was requested.

The Board noted that this is an complex process and it is difficult to create a timeline with so many moving parts.

3. PUBLIC HEARING: KEYES FARM

On a motion made by Michael Gorr, seconded by Bob Roemer, it was resolved to find Keyes Farm in default of their performance agreement, as outlined. Motion carried unanimously.

This project has been reviewed and approximately \$115,140 is being held in a bond. This is based on a performance agreement. This holding is recommended for the Board's consulting engineer, Nitsch Engineering. The performance agreement requires the developer to perform the work and bring it to completion in a continuous and expeditious manner and that the work be completed by February 28, 2023, which is six days away.

The Town received notice from Hanover Insurance that the developer has canceled the bond effective March 21, 2023, which was done without proper notice per the performance agreement. As a result, town council is creating a vote to find the developer in default.

Michael Gorr noted that the floor would not be opened to residential discussion.

4. PUBLIC HEARINGS: SCENIC ROADS SHADE TREE HEARING - Ryan Proctor of Dillis & Roy Civil Design Group of 1 Main St. Suite 1, Lunenburg MA 01462 to Bolton's Planning Department for the after the fact removal of one (1) public shade tree (identified as one (1) 5" dia. Oak) and one 12" Pine, along with a combined 30' of stone wall along a scenic road.

On a motion made by Michael Gorr, seconded by Bob Roemer, it was resolved to close the public hearing. Motion carried unanimously.

On a motion made by Michael Gorr, seconded by Eric Neyland, it was resolved to approve the removal of two trees and the five feet of stonewall on either side of lots five and six Meadow Road. Motion carried unanimously.

Ryan Proctor, representative for the applicant, noted that this was an after-the-fact filing. Two trees were removed, and 30 feet of stone wall was set up for the construction of the lot. An enforcement order was issued by the Planning Board on July 28, 2022. After meeting with the Planning Board, the applicant was required to pay a \$500 fee to the Town; restore the stone wall to its previous location before construction began; plant six shade trees; and regrade the area. Ryan Proctor explained how the applicant complied with these requests.

There are drainage concerns in this area. The owners are discussing with the National Grid regarding poles and electrical service.

5. SPECIAL PERMIT HEARING: HOUSE-A-DAWG

On a motion made by Eric Neyland, seconded by James Barr, it was resolved to close the public hearing. Motion carried unanimously.

On a motion made by Eric Neyland, seconded by James Barr, it was resolved to approve Michael Gorr signing the special permit for the House-A-Dawg dog capacity increase. Motion carried unanimously.

On a motion made by Eric Neyland, seconded by Bob Roemer, it was resolved to approve the special permit with the sole condition that the cap be implemented at 15 dogs. Motion carried unanimously.

Pamela Johnson noted that she has an in-home dog boarding service and would like to increase the number of dogs that can be boarded. This would increase the number between eight to 15. Currently, they are allowed to have six.

She noted that she is in a three-bedroom ranch-style bungalow with over an acre of land. A third of the acre is fenced in and has divided space. There have been no complaints from neighbors and all of the neighbors have sent in letters of support. There have been no complaints from the animal control officer.

The Board discussed the number of dogs. Pamela Johnson noted that the 15 would not be a consistent number, just during school holidays. If there are any future concerns with the animal control officer, the number can be re-evaluated.

6. CONTINUED BACKLAND LOT SPECIAL PERMIT AND COMMON DRIVEWAY PERMIT

On a motion made by Bob Goemer, seconded by Eric Neyland, it was resolved to continue the backland lot special permit and common driveway permit to July 2023, Motion carried unanimously.

Michael Gorr noted that the applicant has not been in contact with the Board due to health issues. If the Board closes the hearing, the Board will need to make a decision within 60 days and the applicant would need to wait two years before applying again. The Board discussed moving this to July 2023, to provide the applicant with sufficient time to address health issues and then this project.

7. TOWN PLANNER UPDATE

Todd Miller noted that the majority of his time is spent working on the delinquent subdivision. He has also been working on minutes, which are still in draft form. There was discussion regarding the \$500 fine for the stonewall on a \$1.5 million dollar project. The Board discussed drainage onto public ways. There was discussion regarding ANRs and changing subdivision bylaws.

The Board discussed having a part-time administrative assistant. The more time the town planner dedicates to administrative work, the less their skill set is appropriately used; this is in progress for July 1, 2023.

The draft minutes will be provided to the Board for the next meeting.

8. ADJOURNMENT

On a motion made by James Barr and seconded, it was agreed that there was no further business to transact; the meeting closed.